



**FOLEY  
HOAG LLP**  
ATTORNEYS AT LAW



**Fax**

Date: October 28, 2004

To: U.S. Patent and Trademark  
Missing Parts Fax #: 703-746-4060

Client Matter#: 24922-008.01 (ISA-801)

From: Scott E. Kamholz

Sender's Number: 1176

User #: 8809

Total Pages Sent (Including Cover Sheet):

Office: Boston

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on October 28, 2004

*Wendy Herron*  
Wendy Herron

Re: U.S. Patent Application Serial No. 10/816,216  
Filed: April 1, 2004  
Inventor: Andrew P. Phelan  
Title: Optical Arrangement for Assay Reading Device  
Our Ref.: ISA-008.01 (24922-801)

Transmitted herewith are the following documents:

1. Response to Notice to File Missing Parts of Nonprovisional Application (1 page);
2. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages);
3. Fee Transmittal for FY 2005 (1 page, in duplicate);
4. Power of Attorney and Correspondence Address Indication Form (1 page);
5. Executed Declaration (1 page); and
6. This Fax Cover Sheet.

**IMPORTANT — PLEASE READ**

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WASHINGTON, DC / 1747 Pennsylvania Ave., NW / Suite 1200 / Washington, DC 20008-4804 / TEL: 202.223.1200 / FAX: 202.285.6887  
Foley Hoag LLP [www.foleyhoag.com](http://www.foleyhoag.com)

RECEIVED  
OCT 29 2004  
OIPE/JCWS



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Phelan, Andrew P.

Serial No: 10/816,216

Filing Date: April 1, 2004

For: *Optical Arrangement for Assay Reading Device*

Art Unit: 2877

Examiner: TBD

Confirmation No.: 7299

Attorney Docket No. ISA-008.01

## CERTIFICATE OF FACSIMILE TRANSMISSION:

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Wendy HerronMail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated June 18, 2004 for the above-referenced patent application, Applicants enclose a copy of the Notice to File Missing Parts of Nonprovisional Application; Fee Transmittal for FY 2005; Power of Attorney and Correspondence Address Indication Form; and Executed Declaration. Applicants hereby petition for a three-month extension of time.

The Commissioner is authorized to charge the Basic Filing Fee (\$790), the Surcharge Fee (\$130); Independent Claim Fee (\$88); and the Three-Month Extension of Time Fee (\$980) to our Deposit Account No. 06-1448; Ref. ISA-008.01.

Dated: October 28, 2004  
Customer No. 25,181  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210  
Tel.: (617) 832-1230Respectfully submitted,  
FOLEY HOAG LLP  
Scott E. Kamholz  
Reg. No. 48,543  
Applicants' Agent

10/29/2004 JBALINAN 00000037 061448 10816216

02 FC:1253 980.00 DA



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-04)  
Approved for use through 07/31/2006. OMB 0891-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$1,988.00

### Complete If Known

Application Number 10/816,216

Filing Date April 1, 2004

First Named Inventor Andrew P. Phelan

Examiner Name TBD

Art Unit 2877

Attorney Docket No. ISA-008.01

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit  
Account  
Number

06-1449

Deposit  
Account  
Name

Foley Hoag LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
	1001	790	2001	395		Utility filing fee	790.00
	1002	350	2002	175		Design filing fee	
	1003	550	2003	275		Plant filing fee	
	1004	790	2004	395		Reissue filing fee	
	1005	160	2005	80		Provisional filing fee	

SUBTOTAL (1)

(\$ 790.00)

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	20	-20 **	=	0	X	Fee from below	=	0
Independent Claims	4	-3 **	=	1	X	88	=	88.00
Multiple Dependent					X		=	0

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description
	1202	18	2202	9		Claims in excess of 20
	1201	88	2201	44		Independent claims in excess of 3
	1203	300	2203	150		Multiple dependent claim, if not paid
	1204	88	2204	44		** Reissue independent claims over original patent
	1205	18	2205	9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 88.00)

\*\*or number previously paid, if greater. For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
	1051	130	2051	65		Surcharge - late filing fee or oath	130.00
	1052	50	2052	25		Surcharge - late provisional filing fee or cover sheet	
	1053	130	2053	65		Non-English specification	
	1812	2,520	2812	1,260		For filing a request for ex parte reexamination	
	1804	920*	2804	460*		Requesting publication of SIR prior to Examiner action	
	1805	1,840*	2805	920*		Requesting publication of SIR after Examiner action	
	1251	110	2251	55		Extension for reply within first month	
	1252	430	2252	215		Extension for reply within second month	
	1253	980	2253	490		Extension for reply within third month	980.00
	1254	1,530	2254	765		Extension for reply within fourth month	
	1255	2,080	2255	1,040		Extension for reply within fifth month	
	1401	340	2401	170		Notice of Appeal	
	1402	340	2402	170		Filing a brief in support of an appeal	
	1403	300	2403	150		Request for oral hearing	
	1451	1,510	2451	755		Petition to institute a public use proceeding	
	1452	110	2452	55		Petition to revive - unavoidable	
	1453	1,330	2453	665		Petition to revive - unintentional	
	1501	1,370	2501	685		Utility issue fee (or reissue)	
	1502	490	2502	245		Design issue fee	
	1503	660	2503	330		Plant issue fee	
	1450	130	2450	65		Petitions to the Commissioner	
	1807	50	2807	25		Processing fee under 37 CFR 1.17 (q)	
	1808	180	2808	90		Submission of Information Disclosure Stmt	
	8021	40	2801	20		Recording each patent assignment per property (times number of properties)	
	1809	790	2809	395		Filing a submission after final rejection (37 CFR § 1.129(a))	
	1810	790	2810	395		For each additional invention to be examined (37 CFR § 1.129(b))	
	1801	790	2801	395		Request for Continued Examination (RCE)	
	1802	900	2802	450		Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,110.00)

### SUBMITTED BY

Name (Print/Type)

Scott E. Kamholz

Registration No. (Attorney/Agent)

48,543

Telephone

617 832-1230

Signature

*Scott E. Kamholz*

Date

10/28/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22311-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/816,216	04/01/2004	Andrew Peter Phelan	ISA-008.01

25181  
FOLEY HOAG, LLP  
PATENT GROUP, WORLD TRADE CENTER WEST  
155 SEAPORT BLVD  
BOSTON, MA 02110

CONFIRMATION NO. 7299

## FORMALITIES LETTER



\*OC000000012987803\*

Date Mailed: 06/18/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.138(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$986 for a Large Entity

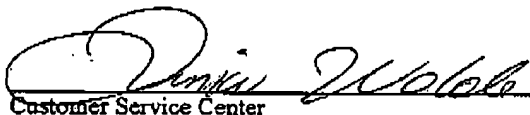
- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$86
  - \$86 for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE